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8 Attorneys for Plaintiff  
United States of America  
9

10 UNITED STATES DISTRICT COURT

11 CENTRAL DISTRICT OF CALIFORNIA

12 SOUTHERN DIVISION

13  
14 UNITED STATES OF AMERICA, ) Case No. SACV12-930 DOC (MLGx)  
15 Plaintiff, )  
16 vs. ) APPLICATION FOR ENTRY OF  
17 NAGESH SHETTY, et al., ) DEFAULT AGAINST DEFENDANT  
18 Defendants. ) ) RICHARD D'SOUZA, a.k.a. RICHARD  
19 ) D'SOUZA or RICHARD DE SOUZA  
20 )  
21 To the Clerk of the Court:

22 The United States of America requests that the Clerk enter  
23 default against defendant RICHARD D'SOUZA, a.k.a. RICHARD  
24 D'SOUZA or RICHARD DE SOUZA for his failure to file an answer to  
the Complaint.

25 1. On October 3, 2012, copies of the complaint and  
26 summons were personally served upon defendant RICHARD D'SOUZA,  
27 a.k.a. RICHARD D'SOUZA or RICHARD DE SOUZA pursuant to Federal  
28 Rule of Civil Procedure 4(f)(1) and Articles 3, 5, and 6 of the

1 Hague Convention on the Service Abroad of Judicial and  
2 Extrajudicial Documents in Civil or Commercial Matters ("the  
3 Convention").

4 2. On November 6, 2012, the United States of America  
5 filed a Notice of Service of Summons and Complaint Pursuant to  
6 Fed. R. Civ. P. 4(f)(1) with respect to defendant RICHARD  
7 D'SOUZA, a.k.a. RICHARD D'SOUSA or RICHARD DE SOUZA, with the  
8 certificate of service pursuant to Article 6 of the Convention,  
9 at Document Number 54 of the ECF, a copy of which is attached to  
10 the accompanying declaration at **Exhibit A**.

11 3. Pursuant to Rule 12(a)(1)(A) of the Federal Rules of  
12 Civil Procedure, and the language on the summons, defendant  
13 RICHARD D'SOUZA, a.k.a. RICHARD D'SOUSA or RICHARD DE SOUZA had  
14 twenty-one (21) days to answer or otherwise respond to the  
15 Complaint, which fell on October 24, 2012.

16 4. The last day for defendant RICHARD D'SOUZA, a.k.a.  
17 RICHARD D'SOUSA or RICHARD DE SOUZA, was extended to November  
18 23, 2012, by way of a stipulation pursuant to Local Rule 8-3.

19 5. November 23, 2012, was the last day for defendant  
20 RICHARD D'SOUZA, a.k.a. RICHARD D'SOUSA or RICHARD DE SOUZA, to  
21 file a timely Answer or otherwise respond to the Complaint.

22 6. As of the date of this request, defendant RICHARD  
23 D'SOUZA, a.k.a. RICHARD D'SOUSA or RICHARD DE SOUZA, has failed  
24 to plead or otherwise defend against the Complaint.

25 7. By way of a STIPULATION BETWEEN PLAINTIFF UNITED  
26 STATES OF AMERICA AND DEFENDANT RICHARD D'SOUZA, aka RICHARD  
27 D'SOUSA OR RICHARD DE SOUZA REGARDING ENTRY OF DEFAULT AND  
28 DEFAULT JUDGMENT filed with the Court on November 27, 2012,

1 defendant RICHARD D'SOUZA, a.k.a. RICHARD D' SOUSA or RICHARD DE  
2 SOUZA, agreed that, after November 23, 2012, the Court may enter  
3 default against him for his failure to answer the Complaint.

4 See ECF Document 65, ¶ 4.

5 8. Pursuant Rule 55(a) of the Federal Rules of Civil  
6 Procedure, the plaintiff United States of America requests that  
7 the Clerk of the Court enter default against defendant RICHARD  
8 D'SOUZA, a.k.a. RICHARD D'SOUZA or RICHARD DE SOUZA, in this  
9 case for failure to answer, plead, or otherwise defend against  
10 the complaint filed in this action.

11 9. The above-stated facts are set forth in the  
12 accompanying Declaration of Assistant United States Attorney,  
13 filed herewith in accordance with Fed. R. Civ. P. 55(a).

14 Respectfully Submitted,

15 ANDRÉ BIROTTÉ JR.  
16 United States Attorney  
17 SANDRA R. BROWN  
18 Assistant United States Attorney  
Chief, Tax Division  
*DL*

19 DANIEL LAYTON  
20 Assistant United States Attorney  
21 Attorneys for the United States  
*DL*

1 DECLARATION OF ASSISTANT UNITED STATES ATTORNEY  
2

3 Pursuant to 28 U.S.C. 1746, I declare and state as follows:

4 1. I, Daniel Layton, I am over 18 years of age and am  
5 competent to testify to the facts set forth in this declaration.

6 2. I am a member of the bar of this Court and I am  
7 currently an Assistant United States Attorney in the Tax  
8 Division of the United States Attorney's Office for the Central  
9 District of California.

10 3. In my capacity as an Assistant U.S. Attorney, I am the  
11 attorney assigned to represent the United States in this matter  
12 at case number SACV12-930 DOC (MLGx).

13 4. As shown in the proof of service lodged with the Court  
14 on November 6, 2012, at ECF Document 54, (a copy of which is  
15 attached to this declaration as **Exhibit A**) on October 3, 2012,  
16 copies of the complaint and summons were personally served upon  
17 defendant RICHARD D'SOUZA, a.k.a. RICHARD D'SOUSA or RICHARD DE  
18 SOUZA pursuant to Federal Rule of Civil Procedure 4(f)(1) and  
19 Articles 3, 5, and 6 of the Hague Convention on the Service  
20 Abroad of Judicial and Extrajudicial Documents in Civil or  
21 Commercial Matters ("the Convention").

22 5. Pursuant to Rule 12(a)(1)(A) of the Federal Rules of  
23 Civil Procedure, and the language on the summons, defendant  
24 RICHARD D'SOUZA, a.k.a. RICHARD D'SOUSA or RICHARD DE SOUZA had  
25 twenty-one (21) days to answer or otherwise respond to the  
26 Complaint, which fell on October 24, 2012.

6. The last day for defendant RICHARD D'SOUZA, a.k.a. RICHARD D'SOUSA or RICHARD DE SOUZA, was extended to November 23, 2012, by way of a stipulation pursuant to Local Rule 8-3.

7. November 23, 2012, was the last day for defendant RICHARD D'SOUZA, a.k.a. RICHARD D'SOUSA or RICHARD DE SOUZA, to file a timely Answer or otherwise respond to the Complaint.

8. To date, defendant RICHARD D'SOUZA, a.k.a. RICHARD D'SOUZA or RICHARD DE SOUZA, has failed to plead or otherwise defend against the Complaint.

9. By way of a STIPULATION BETWEEN PLAINTIFF UNITED STATES OF AMERICA AND DEFENDANT RICHARD D'SOUZA, aka RICHARD D'SOUZA OR RICHARD DE SOUZA REGARDING ENTRY OF DEFAULT AND DEFAULT JUDGMENT filed with the Court on November 27, 2012, defendant RICHARD D'SOUZA, a.k.a. RICHARD D'SOUZA or RICHARD DE SOUZA, agreed that, after November 23, 2012, the Court may enter default against him for his failure to answer the Complaint. See ECF Document 65, ¶ 4.

I declare, in the State of California, under penalty of perjury, that the foregoing is true and correct.

Date: 12/10/2012

0 25

DANIEL LAYTON

Assistant United States Attorney

# EXHIBIT A

1 ANDRÉ BIROTTÉ, JR.  
2 United States Attorney  
3 SANDRA R. BROWN  
4 Assistant United States Attorney  
5 Chief, Tax Division  
6 DANIEL LAYTON (SBN 240763)  
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Attorneys for United States of America

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9  
10 UNITED STATES DISTRICT COURT  
11 CENTRAL DISTRICT OF CALIFORNIA

12 SOUTHERN DIVISION

13  
14 UNITED STATES OF AMERICA, ) Case No. SACV12-930-DOC (MLGx)  
15 Plaintiff, ) Notice of Lodging Proof of Service of  
16 vs. ) Summons and Complaint Pursuant to  
17 NAGESH SHETTY, et al., ) Fed. R. Civ. P. 4(f)(1)  
18 Defendants.

19 Please take notice that on October 3, 2012, defendant RICHARD  
20 D'SOUZA, a.k.a. RICHARD D'SOUZA or RICHARD DE SOUZA was  
21 personally served with the Summons and Complaint in this case pursuant to Fed.  
22 R. Civ. P. 4(f)(1) and the Hague Convention on the Service Abroad of Judicial and  
Extrajudicial Documents. Service (Fed. R. Civ. P. 4(l)(2)(A)) pursuant to the  
Hague Convention is proven by the CERTIFICATE attached hereto.

23 ANDRÉ BIROTTÉ, JR.  
24 United States Attorney  
25 SANDRA R. BROWN  
26 Assistant United States Attorney  
Chief, Tax Division

27 Dated: 11/5/2012  
28  
DANIEL LAYTON  
Assistant United States Attorney  
Attorneys for United States of America

EXHIBIT A

**CERTIFICATE  
ATTESTATION**

The undersigned has the honour to certify, in conformity with article 6 of the Convention,  
*L'autorité soussignée à l'honneur d'attester conformément à l'article 6 de la dite Convention.*

1. that the document has been served\*  
1. que la demande a été exécutée

the (date) - la (date) Wednesday 3<sup>rd</sup> October 2012

at (place, street, number) - a (localité, rue, numéro) 7080 Warden Avenue,  
Markham, Ontario

- in one of the following methods authorized by article 5:  
- dans une forme suivante prévue à l'article 5:

(a) in accordance with the provisions of sub-paragraph (a) of the first paragraph of article 5 of the Convention\*.  
*a) selon les formes légales (article 5, alinéa premier, lettre a) de la dite Convention*

(b) in accordance with the following particular method:  
*b) selon la forme particulière suivante:* personal service

(c) by delivery to the addressee, who accepted it voluntarily.\*  
*c) par remise simple*

The documents referred to in the request have been delivered to:

*Les documents mentionnés dans la demande ont été remis à:*

- (identity and description of person)  
- (identité et qualité; de la personne)

Mr. Richard DESOUZA (aka D'SOUZA, D'SOUSA, DE SOUZA) - adult male

- relationship to the addressee (family, business or other):  
*liens de parenté de subordination ou autres. Avec le destinataire de l'acte*

Intended recipient

2) that the document has not been served, by reason of the following facts\*:

2. que la demande n'a pas été exécutée, en raison des faits suivants:

In conformity with the second paragraph of article 12 of the Convention, the applicant is requested to pay or reimburse the expenses detailed in the attached statement\*  
*Conformément à l'article 12, alinéa 2, de ladite Convention, le requérant est prié de payer ou de rembourser les frais dont le détail figure au membre ci-dessous.*

*Conformément à l'article 12, alinéa 2, de ladite Convention, le requérant est prié de payer ou de rembourser les frais dont le détail figure au membre ci-dessous.*

Annexes  
*Annexes*

Documents returned:  
*pièces renvoyées*

See Request

In appropriate cases, documents establishing the service:  
*Le cas échéant, les documents justifiant de l'exécution:*

Done at Newmarket, Ontario - the 3<sup>rd</sup> October 2012  
Fait à

Signature and/or stamp  
*Signature et/ou cachet*

B. G. SHAW  
Court Enforcement Officer  
Regional Municipality of York

U.S. Department of Justice  
United States Marshals Service



## REQUEST FOR SERVICE ABROAD OF JUDICIAL OR EXTRAJUDICIAL DOCUMENTS

### DEMANDE

#### AUX FINS DE SIGNIFICATION OU DE NOTIFICATION À L'ETRANGER D'UN ACTE JUDICIAIRE OU EXTRAJUDICIAIRE

Convention on the service abroad of judicial and extrajudicial documents in civil or commercial matters, signed at The Hague, November 15, 1965.

Convention relative à la signification et à la notification à l'étranger des actes judiciaires ou extrajudiciaires en matière civile ou commerciale, signée à La Haye, le 15 novembre 1965.

#### Identity and address of the applicant Identité et adresse du requérant

United States Attorney's Office, C.D. Cal.  
Daniel Layton, Asst. U.S. Att., Tax Division  
Federal Building, Suite 7211  
300 N. Los Angeles Street  
Los Angeles, CA, 90012  
USA

#### Address of receiving authority Adresse de l'autorité destinataire

Ministry of the Attorney General  
Courts Administration  
Court House (Provincial Division)  
393 Main Street  
Haleybury, Ontario, Canada P0J 1K0

The undersigned applicant has the honour to transmit -- in duplicate-- the documents listed below and, in conformity with article 5 of the above-mentioned Convention, requests prompt service of one copy thereof on the addressee, i.e., (Identity and address)

Le requérant soussignée a l'honneur de faire parvenir--en double exemplaire--à l'autorité destinataire les documents ci-dessous énumérés, en la priant, conformément à l'article 5 de la Convention précitée, d'en faire remettre sans retard un exemplaire au destinataire, à savoir:

(Identité et adresse)

-RICHARD DESOUZA- Richard D'Souza, a.k.a. Richard D'Sousa or Richard De Souza  
72 Wilclay Ave, Markham, Ontario, Canada L3S 1R1

(a) in accordance with the provisions of sub-paragraph (a) of the first paragraph of article 5 of the Convention.\*  
a) *selon les formes légales* (article 5 alinéa premier, lettre a).

(b) in accordance with the following particular method (sub-paragraph (b) of the first paragraph of article 5)\*:  
b) *selon la forme particulière suivante* (article 5, alinéa premier, lettre b):

(c) by delivery to the addressee, if he accepts it voluntarily (second paragraph of article 5)\*:  
c) *le cas échéant, par remise simple* (article 5, alinéa 2).

The authority is requested to return or to have returned to the applicant a copy of the documents and of the annexes with a certificate as provided on the reverse side.

Cette autorité est priée de renvoyer ou de faire renvoyer au requérant un exemplaire de l'acte - et de ses annexes - avec l'attestation figurant au verso.

List of documents  
Enumeration des pièces

1) SACV12-930-DOC (MLGx) - COMPLAINT

2) SACV12-930-DOC (MLGx) - SUMMONS

Done at 6th of September, the 2012  
Fait à \_\_\_\_\_, le \_\_\_\_\_

Signature and/or stamp  
Signature et/ou cachet

Daniel Layton

\*Delete if inappropriate  
Rayer les mentions inutiles.

## **PROOF OF SERVICE BY MAILING**

I am over the age of 18 and not a party to the within action. I am employed by the Office of the United States Attorney, Central District of California. My business address is 300 North Los Angeles Street, Suite 7211, Los Angeles, California 90012.

**On December 11, 2012, I served**

Application for Entry of Default Against Defendant Richard D'Souza, a.k.a.  
Richard D'Sousa or Richard De Souza

on the person and entity name below by enclosing a copy in an envelope addressed as shown below and placing the envelope for collection and mailing on the date and at the place shown below following our ordinary office practices. I am readily familiar with the practice of this office for collection and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service in a sealed envelope with postage fully prepaid.

SEE ATTACHED.

Date of mailing: **December 11, 2012.**

Place of mailing: Los Angeles, California

I declare under penalty of perjury under the laws of the United States of America that the foregoing if true and correct.

I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Executed on: December 11, 2012, Los Angeles, California.

Midtown

## MARIA LUISA O. BULLARD

USA V. NAGESH SHETTY  
SA CV 12-930 DOC(MLGx)

SERVICE LIST:

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Attorney for Richard D'Souza  
aka Richard D'Sousa or Richard De Souza  
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Pasadena, CA 91101

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aka Richard D'Sousa or Richard De Souza  
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